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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 09/965,152 | 09/27/2001 | Dwip N. Banerjee | AUS920010569US1 | 6237 |
| 35525 | 7590 | 10/17/2006 | EXAMINER | |
| IBM CORP (YA) | | | LASTRA, DANIEL | |
| C/O YEE & ASSOCIATES PC | | | | |
| P.O. BOX 802333 | | | ART UNIT | |
| DALLAS, TX 75380 | | | PAPER NUMBER | |
| | | | 3622 | |

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,152

Applicant(s)

BANERJEE ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/04/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,12-19 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,12-19 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/15/2002.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-8, 12-19 and 23-30 have been examined. Application 09/965,152 (SERVICE DISCOVERY IN A NETWORK OF AUTOMATIC PRODUCT/SERVICE DISPENSING MACHINES) has a filing date 09/27/2001.

Response to Requirement to Election / Restriction

2. In response to Requirement to Election / Restriction Filed 07/05/2006, the Applicant elected claims 1-8, 12-19 and 23-30 without traverse.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 8, 12, 18, 19, 23, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (US 6,324,520).

As per claims 1, 12 and 23, Walker 520 teaches:

A method for providing products, the method comprising:

receiving, at an automatic product/service dispensing machine in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item (see col 3, lines 1-7; col 13, lines 20-27);

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responsive to a determination that the item is unavailable at a current automatic product/service dispensing machine, providing a user with an alternative redemption product (see col 3, lines 1-8; col 4, lines 35-40; col 7, lines 25-30).

As per claims 7, 18 and 29, Walker 520 teaches:

The method as recited in claim 1, wherein the alternative redemption product is an item different from the requested item (see col 7, lines 40-50).

As per claims 8, 19 and 30, Walker 520 teaches:

The method as recited in claim 7, wherein the item different from the requested item is offered at a discount (see col 7, lines 25-50).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 13-17 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6,324,520) in view of Walker (US 2005/0060062; claiming priority to 09/345,092: filing date 06/30/99).

As per claims 2, 13 and 24, Walker 520 fails to teach:

The method as recited in claim 1, wherein the alternative redemption product is a redemption coupon. However, Walker 062 teaches vending machines that provide customers with coupons offers of alternative products of said vending machines (see Walker 062 paragraphs 188-190). Therefore, it would have been obvious to a person of

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ordinary skill in the art at the time the application was made, to know that Walker 520 discount offers given to customers when said customers select a unavailable item in a vending machine would be a discount coupon, as the one taught by Walker 062 in order that said customers are compensated for the distress of selecting an out-of-stock item in said vending machine.

As per claims 3, 14 and 25, Walker 520 fails to teach:

The method as recited in claim 2, wherein the redemption coupon may be redeemed at a store. However, Walker 062 teaches vending machines that provide customers with coupons offers of alternative products of said vending machines (see Walker 062 paragraphs 188-190). Walker 062 does not expressly teach that said coupon offers may be redeemed at a store. However, Official Notice is taken that it is old and well known in the promotion art, to redeem coupons offers at different stores. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Walker 520 discount offers that are given to customers when said customers select a unavailable item in a vending machine would be a discount coupon, as the one taught by Walker 062 in order that said customers are compensated for the distress of selecting an out-of-stock item in said vending machine and where said coupons offers may be redeemed at different stores, as it is old and well known to do so.

As per claims 4, 15 and 26, Walker 520 fails to teach:

The method as recited in claim 2, wherein the redemption coupon is an electronic redemption coupon. However, Walker 062 teaches vending machines that provide

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customers with electronic coupons offers of alternative products of said vending machines (see Walker 062 paragraphs 188-190). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Walker 520 discount offers that are given to customers when said customers select a unavailable item in a vending machine would be an electronic coupon, as the one taught by Walker 062 in order that said customers are compensated for the distress of selecting an out-of-stock item in said vending machine and in order that said electronic coupon eliminate the inconvenience of carrying a paper coupon.

As per claims 5, 16 and 27, Walker 520 fails to teach:

The method as recited in claim 2, further comprising:

providing redirection information to the user regarding a location at which the redemption coupon may be redeemed for an item. However, Walker 062 teaches vending machines that provide customers with electronic coupons offers of alternative products of said vending machines (see Walker 062 paragraphs 188-190). Walker 062 does not expressly teach providing information where said coupon may be redeemed. However, Official Notice is taken that it is old and well known in the promotion art to indicate in a coupon offer the location (i.e. store) where said coupon offer may be redeemed. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Walker 520 discount offers that are given to customers when said customers select a unavailable item in a vending machine would be a coupon offer, as the one taught by Walker 062 where said coupon

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offer would indicate the location where said coupon may be redeem, as it is old and well known to do so.

As per claims 6, 17 and 28, Walker 520 fails to teach:

The method as recited in claim 1, wherein the alternative redemption product is a monetary credit to a smart card. However, Walker 062 teaches vending machines that provide customers with electronic coupons offers of alternative products of said vending machines (see Walker 062 paragraphs 188-190). Walker 062 does not expressly teach crediting a customer smart card with an electronic coupon. However, Official Notice is taken that it is old and well known in the promotion art to store electronic coupons in smart cards. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Walker 520 discount offers that are given to customers when said customers select a unavailable item in a vending machine would be an electronic discount coupon, as the one taught by Walker 062, where said electronic coupon would be stored in the Walker 520 smart card¹ in order to eliminate the inconvenience of carrying a paper coupon.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

¹ Walker 520 col 5, line 65 – col 6, line 2

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra
October 8, 2006



RETTA YEHDEGA
PRIMARY EXAMINER